



Paper No. 8

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**OFFICE OF PETITIONS
AND PATENTS**

In re Application of
Mark R. Forte
Application No. 08/327,092
Filed: October 21, 1994
Attorney Docket No. 6811013A

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 1996, to revive the above-identified application.

The petition is granted.

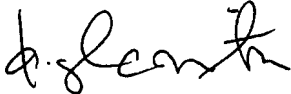
This application became abandoned for failure to timely respond to the Office action mailed June 26, 1995, which set a three month shortened statutory period for filing a response. No extensions of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is September 27, 1995. Therefore, since this petition was filed within one year of the date of abandonment, the petition complies with the one year filing period requirement in 37 CFR 1.137(b).

The statement that the "abandonment was unintentional" does not comply with 37 CFR 1.137(b).¹ However, the statement presented will be accepted and construed as meaning that the "delay was unintentional." If this is an incorrect interpretation in view of the new rules, petitioner is required to provide a statement to that effect.

The application file is being forwarded to Group 3300.

¹ Effective September 20, 1993. See "Changes in Procedures for Revival of Patent Applications and Reinstatement of Patents," published at 1154 Official Gazette 35 (September 14, 1993).

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9282.

A handwritten signature in cursive script, appearing to read "D. C. Smith".

Daryl C. Smith
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects